



To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

NOTE: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C. 114(n)), this directive and all related Handbooks, Attachments, and Appendices establish Transportation Security Administration (TSA) policy and must be applied accordingly.

REVISION: This revised directive supersedes TSA MD 1100.31-1, *Trial Periods*, dated October 29, 2014.

SUMMARY OF CHANGES: Section 2, Scope, clarified to indicated that this directive applies to employees who are appointed without time limitations; Sections 4, redefined the definition of a supervisory position; Section 5, revised; Section 6, clarified the basic trial period during non-pay status and modified the supervisory trial period for federal supervisory employees transferring to TSA; and various administrative and format changes throughout the directive.

1. **PURPOSE:** This directive provides TSA policy and procedures for the basic trial period and the supervisory trial period.
2. **SCOPE:** This directive applies to all TSA employees who are on appointment without time limitations. This directive also applies to all organizational elements except Transportation Security Executive Service (TSES) employees and political appointees who are covered by [TSA MD 1100.30-24, Transportation Security Executive Service Program](#), and [TSA MD 1100.30-22, Political Appointments](#), respectively.
3. **AUTHORITIES:**
 - A. The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA)
4. **DEFINITIONS:**
 - A. **Basic Trial Period:** A period of time during which a supervisor assesses a new employee to ensure that his or her performance and conduct are at a satisfactory level for continued employment.
 - B. **Break In Service:** A period of time during which an employee is no longer on the rolls of a federal agency. For purposes of this directive, a break in service is a separation from federal employment of more than three calendar days.
 - C. **Federal Employment:** Service in a permanent (not temporary or time-limited) position within any federal agency which includes executive agencies under the provisions of 5 U.S.C. § 105, the United States Postal Service, or the Postal Rate Commission.
 - D. **Positions in the Same or Similar Line of Work:** Positions that would be classified in the same occupational series and require substantially the same or similar qualifications. If the difference

between the positions is that one has supervisory responsibilities, or is performed with more or less independence, but the positions otherwise require substantially the same or similar qualifications, the positions are in the same or similar line of work.

- E. Probationary Period: A period in the competitive service equivalent in purpose to TSA's basic trial period.
- F. Supervisory Position: A position (including a managerial position) that involves accomplishing work through subordinate employees. An official supervisory position of record is one that is classified as such (as indicated on Job Analysis Tool or Standardized Job Description).
- G. Supervisory Trial Period: A period of time during which a new supervisor is assessed to ensure that his or her performance and conduct are at a satisfactory level for continued employment in the supervisory position.
- H. Veterans' Preference Eligible: An individual who meets the requirements for veterans' preference as defined in 5 U.S.C. § 2108.

5. RESPONSIBILITIES:

- A. The Office of Human Capital is responsible for:
 - (1) Determining at the time of appointment, whether an employee is subject to serving a basic trial period and/or a supervisory trial period; and
 - (2) Providing advice on matters relating to this directive.
- B. Supervisors are responsible for:
 - (1) Evaluating an employee's performance and conduct during the basic trial period and/or supervisory trial period;
 - (2) Initiating action under the provisions of Section 7.B of this directive to terminate the employee's employment if at any point during the basic trial period the supervisor determines an employee's performance or conduct is not satisfactory for continued employment; and
 - (3) Initiating the appropriate action under the provisions of Section 7.D.(2) of this directive for an employee serving a supervisory trial period whose performance or conduct is not satisfactory.

6. POLICY:

- A. Basic Trial Period:
 - (1) Persons entering TSA employment on an appointment without time limitations must serve a basic trial period unless the employee has previously met the requirements for serving a basic trial or probationary period as provided in this directive.

- (2) An employee's basic trial period shall be two years from the effective date of his or her appointment unless the employee meets one of the following exceptions:
 - (a) The basic trial period is one year from the effective date of the appointment for full-time and part-time employees who are veterans' preference eligible.
 - (b) Intermittent employees who are veterans' preference eligible must complete 2,080 hours in a pay status. All other intermittent employees must complete 4,160 hours in a pay status. Therefore, the calculation for completion of the basic trial period for intermittent employees is by the number of hours worked and not by the employees' length of years of service.
 - (c) If an employee attains veterans' preference eligibility while serving a basic trial period of two years, the basic trial period is immediately reduced to one year.
 - (d) The Administrator, or designee, may authorize basic trial periods of up to three years for groups of positions when it is determined that a two-year basic trial period is not adequate to evaluate employees.
 - (e) Employees appointed to TSA who have previously completed one year of permanent, continuous federal employment with another federal agency that requires a one-year probationary or trial period are considered to have met the requirement for serving a basic trial period and will not be required to serve another basic trial period with TSA. The completion of the employee's probationary or trial period must be verified or confirmed.
 - (f) An employee serving in a permanent, federal position with another federal agency who has not completed one year of permanent federal employment and is appointed to TSA from that employment without a break in service will have the period of previous permanent federal employment credited toward completion of the TSA basic trial period.
 - (g) A TSA employee, converted without a break in service from a time-limited appointment to a permanent position, will have the time served in the preceding temporary appointment counted towards completion of the basic trial period only if the positions are in the same or similar line of work. Temporary time worked outside of TSA will not be credited towards completion of the basic trial period.
- (3) An employee who has a break in service before completing a basic trial period must begin a new basic trial period upon appointment to a position requiring a basic trial period.
- (4) Absence from duty for military service or because of a compensable work-related injury does not extend the basic trial period. The time in non-pay, non-duty status due to military service or a compensable work-related injury is credited toward completion of the basic trial period as though the employee had remained in a paid status.
- (5) Except as provided in Section 6.A.(4) of this directive, time in a non-pay status during the basic trial period that exceeds 44 workdays for a two-year basic trial period, or 22

workdays for a one-year basic trial period, extends the basic trial period by an equal amount of time.

- (6) A detail or temporary promotion to another position, either within or outside TSA, does not affect the basic trial period; the time spent on detail or temporary promotion is credited toward completion of the basic trial period.
- (7) If during the basic trial period an employee moves without a break in service to a different TSA position, he or she continues the basic trial period with the time in the preceding position credited toward completion of the basic trial period.
- (8) An employee who has completed a basic trial period with TSA will not be required to complete another basic trial period upon appointment to a different position.

B. Supervisory Trial Period: The supervisory trial period provides TSA with an opportunity to assess a new supervisor's performance and conduct. The supervisory trial period is separate from the basic trial period discussed in Section 6.A. of this directive.

- (1) The supervisory trial period is one year and begins upon permanent appointment to the supervisory position.
- (2) A new supervisory employee, subject to both a supervisory trial period and a basic trial period, will serve both trial periods concurrently.
- (3) A TSA employee permanently assigned to a supervisory position must complete a supervisory trial period if the employee has never completed a supervisory trial or probationary period at TSA or through other federal employment.
- (4) An employee who has completed a supervisory probationary or trial period through other federal employment, or has served more than one year in federal employment as a supervisor, is not required to complete a supervisory trial period at TSA.
- (5) A federal supervisory employee who transfers to TSA and has served less than one year in a supervisory position must serve a new one-year supervisory trial period. A current employee who is serving a supervisory trial period as of the effective date of this directive will have his/her time served in the previous federal supervisory position credited towards the completion of his/her supervisory trial period.
- (6) Absence from duty for military service or because of a compensable work-related injury does not extend the supervisory trial period; the time in a non-pay, non-duty status due to military or compensable work-related injury absence is credited toward completion of the supervisory trial period as though the employee had remained in a paid duty status.
- (7) Except as provided in Section 6.B.(6) of this directive, service in a non-pay status during the supervisory trial period that exceeds 22 workdays extends the supervisory period by an equal amount of time.

7. PROCEDURES:

A. Actions During the Basic Trial Period:

- (1) The employee's supervisor must assess the employee's performance and conduct during the basic trial period. At regular intervals during the applicable basic trial period (generally every three months for a one-year basic trial period, or every six months for a two-year basic trial period), the supervisor should document and discuss the employee's performance and conduct with him or her and counsel the employee in any areas that need improvement. For additional information, refer to [TSA MD 1100.43-3, *Employee Performance Management Program*](#), or [TSA MD 1100.43-4, *Transportation Officer Performance System*](#), and Article 1 of the [Collective Bargaining Agreement](#), where appropriate.

NOTE: The failure of a supervisor to perform one or more of these reviews does not prevent TSA from terminating an employee whose performance or conduct is not acceptable.

- (2) Any time an employee's performance or conduct is unacceptable during the basic trial period, the supervisor must immediately determine the appropriate action such as counseling, additional training, or if warranted, termination of the employee's employment. Supervisors must not wait until the end of the basic trial period to terminate an employee's employment if it is determined earlier that the employee should not be retained.

B. Termination of Employee During the Basic Trial Period:

- (1) At any point during the basic trial period when the supervisor determines that an employee's performance or conduct is unacceptable, he or she may initiate the termination. The notice of termination must be in writing.

NOTE: An employee terminated during his or her basic trial period does not have appeal or grievance rights with regard to this termination.

- (2) The notice of termination will include a brief description of the underlying reason(s) for the action and the effective date as described in Section 7.B.(3) of this directive. The employee has no right to reply to the termination notice.
- (3) Supervisors must be cognizant when setting the effective date of a termination at or near the end of the basic trial period to avoid the possibility of effecting the termination after the basic trial period is completed. The notice of termination should be issued to the employee at least one day before the end of the basic trial period. If the notice of termination is not delivered and effected until the day that the basic trial period ends, the notice must reflect that the action is effective immediately upon receipt or is effective at an identified time before the employee completes his or her scheduled tour of duty on that date.

- (a) For example, the employee's basic trial period ends on Friday, May 14th. The termination notice should be issued on May 13th, reflecting that the action is effected immediately or that the action is effective before the employee completes his or her scheduled tour of duty on May 14th.
- (b) If the basic trial period ends on an employee's scheduled regular day off (RDO), the termination notice must be issued to the employee and effected before he or she completes his or her scheduled tour of duty on the employee's last day of duty prior to the RDO. If the notice is issued upon the employee's return to duty or after the employee completes his or her scheduled tour of duty, the basic trial period has been completed and the notice is invalid. Management may still take the action, however, the provisions of [TSA MD 1100.75-3, Addressing Unacceptable Performance and Conduct](#), and its [Handbook](#) would apply.

NOTE: Supervisors must not set the effective time of the termination beyond the employee's scheduled tour of duty.

C. TSA will use the same procedures for terminating employees during the basic trial period whether the action is based on conditions that arose before the appointment or based on unacceptable performance or conduct during the basic trial period. The procedures to be used are those described in Section 7.B. of this directive.

D. Supervisory Trial Period:

(1) Effect of Position Changes:

- (a) If an employee serving a supervisory trial period is detailed or temporarily promoted to a non-supervisory position or duties, the supervisory trial period is suspended until the detail or temporary promotion ends. The supervisory trial period resumes when the employee returns to the supervisory position.
- (b) If the detail or temporary promotion is to another supervisory position or duties, the supervisory trial period continues and the time served under the detail or temporary promotion is credited toward completion of the supervisory trial period. Refer to [TSA MD 1100.30-1, Temporary Internal Assignments \(Details and Temporary Promotions\)](#), for additional information on details and temporary promotions.
- (c) If an employee serving a supervisory trial period is permanently assigned to another supervisory position, the supervisory trial period continues as originally scheduled.
- (d) If an employee is permanently assigned to a non-supervisory position, or has a break in service before completing the supervisory trial period, he or she must begin a new supervisory trial period upon any later appointment to a supervisory position. Time previously served as a supervisor during an incomplete supervisory trial period does not count toward completion of the new supervisory trial period.

- (e) If a TSA employee serving in a supervisory position on a detail or temporary promotion is permanently assigned to a supervisory position after the detail or temporary promotion, the service under the detail or temporary promotion is credited toward completion of the supervisory trial period.
- (2) Actions During the Supervisory Trial Period:
- (a) The employee's supervisor must assess the employee's performance and conduct during the supervisory trial period. If warranted, the supervisor should provide coaching or training, or otherwise assist the employee with needed corrections or improvements.
 - (b) Supervisors of employees serving a supervisory trial period should document discussions and any corrective and/or remedial actions taken with respect to the employee's supervisory performance and/or conduct during the supervisory trial period.
 - (c) A TSA employee permanently assigned to a supervisory position and whose performance or conduct does not warrant retention in the supervisory position must be returned to his/her former position or placed in another non-supervisory position that is not below the pay band of the former position.
 - (d) Return to/Placement in Non-Supervisory Position: If it is determined that an employee serving a supervisory trial period should not be retained in the supervisory position, his or her supervisor must provide a written notice to the affected employee of the determination. The notice should contain a brief statement of the action being taken (e.g., placement or assignment to a non-supervisory position), the effective date of the action, and the reason(s) for the action. The notice must be delivered to the employee at least one business day before the effective date of the action and must be effected before the end of the supervisory trial period. This determination is not appealable under [TSA MD 1100.77-1, OPR Appellate Board](#), or to the Merit Systems Protection Board, or grievable under [HCM 771-4, National Resolution Center](#).

NOTE: Nothing in this directive precludes taking disciplinary or adverse action, up to and including removal, against an employee serving a supervisory trial period, if warranted. In such cases, appropriate procedures will be followed. Refer to [TSA MD 1100.75-3](#) for additional information.

- (e) If the supervisory position was the employee's first and only TSA position, the employee would be terminated. However, if the identified deficiencies in performance and/or conduct are limited to the performance of supervisory functions, a determination may be made to reassign the employee to a vacant non-supervisory position in accordance with the provisions of [TSA MD 1100.30-4, Permanent Internal Assignments](#), and the related [Handbook](#).

8. **APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

December 7, 2017

Karen Shelton Waters
Assistant Administrator for Human Capital

Date

EFFECTIVE

December 17, 2017

Date

Distribution: Administrator, Deputy Administrator, Chief of Staff, Chief of Operations, Chief of Mission Support, Chief Counsel, Assistant Administrators, Regional Directors, Federal Security Directors, Supervisory Air Marshals in Charge, Business Management Division Directors, Administrative Officers, and Human Resources Specialists

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